

**Extraordinary**



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*Government Notice No. 27*

The following are published as Supplement to this *Gazette* :

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**OIL MINERAL PRODUCING AREAS DEVELOPMENT  
COMMISSION (AMENDMENT) DECREE 1999**



**Decree No. 7**

[9th November, 1998] Commencement.

**THE FEDERAL MILITARY GOVERNMENT**  
hereby decrees as follows:-

1. The Oil Mineral Producing Areas Development Commission Decree 1998 is amended in section 8(1)(b) by substituting for the words "Benin City, Edo State;" the words "Warri, Delta State;".

Amendment of  
1998 No. 41.

2. This Decree may be cited as the Oil Mineral Producing Areas Development Commission (Amendment) Decree 1999.

Citation.

MADE at Abuja this 23rd day of February 1999.

**GENERAL ABDUSALAMI ALHAJI ABUBAKAR,**  
*Head of State, Commander-in-Chief  
of the Armed Forces,  
Federal Republic of Nigeria*

**EXPLANATORY NOTE**

*(This note does not form part of the above Decree but  
is intended to explain its purport)*

The Decree amends the Oil Mineral Producing Areas Development Commission Decree 1998 by relocating to Warri, Delta State, the zonal office of the Western Zone of the oil mineral producing States.

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**CONSTITUTION (AMENDMENT) DECREE 1999****Decree No. 8**

[10th December, 1998] Commencement.

**THE FEDERAL MILITARY GOVERNMENT** hereby decrees as follows -

1. The Constitution of the Federal Republic of Nigeria 1979, as amended, is hereby further amended in section 161, by -

Amendment of  
Cap 62 LFN.

(a) substituting for paragraph (a) of subsection (1), the following new paragraph -

"(a) notwithstanding the provisions of section 192 of this Constitution, grant any person concerned with or convicted of any offence created under any law a pardon, either free or subject to lawful conditions;" and

(b) inserting immediately after subsection (3), the following new subsections -

"(4) Notwithstanding the provisions of this Constitution or any other enactment or law, the Head of State, Commander-in-Chief of the Armed Forces may, release any person detained in any prison or in any other place in Nigeria.

(5) The powers of the Head of State, Commander-in-Chief of the Armed Forces under this section shall be exercised by him after consultation with such committee as he may, from time to time, constitute."

Citation.

2. This Decree may be cited as the Constitution (Amendment) Decree 1999.

**MADE** at Abuja this 26th day of February 1999.

**GENERAL ABDULSALAMI ALHAJI ABUBAKAR,**  
*Head of State, Commander-in-Chief  
of the Armed Forces,  
Federal Republic of Nigeria*

#### **EXPLANATORY NOTE**

*(This note does not form part of the above Decree but  
is intended to explain its purport)*

The Decree further amends the Constitution of the Federal Republic of Nigeria 1979 to -

- (a) extend the power of the Head of State, Commander-in-Chief of the Armed Forces to grant pardon to cover any person concerned with or convicted of any offence created under any law; and
- (b) give him power to release any person who is detained in any prison or in any other place in Nigeria.

S.I. 1 of 1999

**INDEPENDENT NATIONAL ELECTORAL  
COMMISSION DECREE 1998  
(1998 No. 17)**

**Guidelines for Elections into the Office of President  
and the National Assembly**

*Commencement: 20th January 1999*

**In exercise of the powers conferred on it by section 4 of the Independent National Electoral Commission Decree 1998 and of all other powers enabling it in that behalf, the Independent National Electoral Commission (in this Guidelines referred to as "the Commission") hereby issues the following Guidelines for elections into the office of President and the National Assembly :-**

**1. There shall be Presidential and National Assembly elections at which -**

Presidential and  
National Assembly  
elections.

(a) a President shall be elected for the Federal Republic of Nigeria;

(b) one Senator shall be elected from each of the three Senatorial Districts allotted to each of the 36 States of the Federation and from the one Senatorial District allotted to the Federal Capital Territory, Abuja; and

(c) one member of the House of Representatives shall be elected from each of the 360 Federal Constituencies in the Federation.

**2. A person shall be qualified for election to the office President or the National Assembly if -**

Qualification for  
election.

(a) he is a citizen of Nigeria;

(b) in the case of President, he has attained the age of 40 years;

(c) in the case of Senator, he has attained the age of 35 years;

(d) in the case of member of House of Representatives, he has attained the age of 30 years;

(e) he has been educated up to at least the School Certificate level or its equivalent; and

(f) he is a member of a political party and is being sponsored by that party.

**Disqualifications.**

**3. A person shall not be qualified to contest the Presidential and National Assembly elections if -**

(a) under any law in force in any part of Nigeria, he is adjudged to be a lunatic or is otherwise declared to be of unsound mind;

(b) he is under a sentence of death imposed upon him by any court or tribunal in Nigeria, or a sentence of imprisonment or fine for an offence involving dishonesty or fraud (by whatever name called), or for any other offence (other than misdemeanour or simple offence), imposed on him by court or tribunal; or

(c) he has been found guilty of contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989; or

(d) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Nigeria or any other country;

(e) being a person employed in the public or civil service of the Federation or of a State or of a Local Government or Area Council, he has not resigned, withdrawn or retired from such employment at least 30 days before the date of the election;

(f) he is a member of the secret society;

(g) he has been indicted for embezzlement of public funds or for bribery or fraud by a Judicial Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal under the Tribunals of Inquiry Act or any other law set up by the Federal, State, Local Government which indictment has been accepted by the Federal, State or Local Government respectively;

Cap. 447 LFN.

(h) he has presented forged certificates to the Commission;

(i) he has been dismissed from the public or civil service of the Federation or of a State or of a Local Government or Area Council;

(j) he has been found guilty of an offence involving narcotic drugs or any other psychotropic substances by any court or tribunal in Nigeria or in any other country; or

(k) he has been adjudged guilty of treason or treasonable felony by any court or tribunal in Nigeria.

4. A person shall be qualified to contest the Presidential or National Assembly elections if -

Additional qualifications for contesting election.

(a) he is ordinarily resident in the constituency in which he intends to contest the election or is an indigene of that constituency;

(b) he is registered as a voter in the constituency in which he intends to contest the election or is an indigene registered anywhere in the country;

(c) he produces evidence of tax payment as and when due for a period of three consecutive years immediately preceding the year of the election or is exempted therefrom;

(d) in the case of House of Representatives election, he has been nominated in writing by 20 persons from at least two-thirds of the Wards in the Local Government or Area

**Council making up the Constituency and whose names appear on the register of voters for the Federal Constituency in respect of which the election is to be held;**

**(e) in the case of Senatorial election, he is nominated in writing by 30 persons coming from all the Local Government Areas making up the Senatorial District where he intends to contest the election, whose names appear in the register of voters for their respective wards;**

**(f) in the case of the Presidential elections, he is nominated in writing by 60 persons spread in at least two-thirds of all the States of the Federation whose names appear in the register of voters for their respective wards;**

**(g) in the case of the House of Representatives elections, he makes to the Commission a non-refundable deposit of ₦15,000;**

**(h) in the case of the Senatorial elections, he makes to the Commission a non-refundable deposit of ₦20,000;**

**(i) in the case of the Presidential elections, he makes to the Commission a non-refundable deposit of ₦100,000;**

**(j) in the case of a Presidential candidate, he has nominated a running mate for the office of Vice-President.**

**Campaigns.**

**5. Subject to the provisions of any enactment or law, candidates shall campaign for the Presidential and National Assembly elections in the following manner -**

**(a) campaigns shall be within the constituency in which a candidate intends to contest the election;**

**(b) campaigns shall not be allowed within 12 hours preceding the date of the election;**

**(c) campaigns or addresses shall be devoted to outlining what the candidate intends to do for the people of his constituency;**

(d) campaigns or addresses shall not be carried out in schools, churches, mosques or other religious places, military or police barracks or stations, public offices and any other place the Commission may forbid from time to time;

(e) campaigns or addresses shall not be based on sectional, ethnic or religious sentiments or prejudices;

(f) bribery or other forms of inducement to voters, either directly or indirectly, shall be avoided by candidates and their agents; and

(g) abusive or vile or derogatory language shall not be used during campaigns or addresses.

6. A person shall be eligible to vote at the Presidential and National Assembly elections if -

Qualification  
to vote.

(a) he is a citizen of Nigeria;

(b) he has attained the age of 18 years;

(c) he is ordinarily resident in the ward where he intends to vote, or is an indigene of the ward; and

(d) he is registered as a voter in the ward where he intends to vote and has obtained a registration card to be presented at the Polling Station or Unit on the day of the election:

Provided that where a person claims that his name is in the register of voters for the polling station or unit but that his voter's card is missing or has been destroyed, the Presiding Officer shall, if -

(i) the name of the person is found in the register of voters for the polling station or unit, and

(ii) he has satisfied himself that the person is not impersonating any other person,

allow the person to vote.

Voting by secret ballot.

7.-(1) Voting shall be by open secret ballot and in accordance with the procedure specified in these Guidelines.

(2) Voting shall take place on the same day and at the same time throughout the Federation, as may be announced by the Commission.

Presentation of candidates by registered Political Parties.

8.-(1) Every registered Political Party shall on or before the 30th January, 1999 in the case of National Assembly elections and 12th February, 1999, in the case of Presidential election, deliver to the Commission -

Form C.F. 001.

(a) in Form C.F. 001 the personal particulars of its candidates for the election as supplied by the candidates; and

Form C.F. 002.

(b) in Form C.F. 002 a list of candidates the Political Party proposes to sponsor at the elections.

(2) The Commission shall, on or before the 7th February, 1999 in the case of National Assembly elections and on 15th February, 1999 in the case of Presidential election, after receipt of the list of candidates and their personal particulars from the Political Parties, deliver to the Political Parties -

Form C.F. 003.

(a) in Form C.F. 003, a list of candidates who are adjudged qualified to contest the election; and

Form C. F. 004.

(b) where applicable, in Form C.F. 004, a separate list of candidates disqualified from contesting the elections.

(3) Where a candidate is disqualified from contesting the elections, the Commission shall allow the Political Party concerned an opportunity to substitute the candidate with another candidate:

Provided that the substitution is made within the time allowed by the Commission for that purpose.

(4) Any person not satisfied with the decision of the State Screening Committee regarding qualification or disqualification of

a candidate for National Assembly elections may object or appeal to the Commission's headquarters, Abuja for review, using Form CF.005 delivered to the Chairman of the Commission on or before the 7th February, 1999.

Form C.F. 005.

9.-(1) No Political Party shall be allowed to present more than one candidate for the same election to the Commission.

Presentation and replacement of candidate for an election.

(2) No Political Party shall be allowed to replace a candidate it has presented and who has been screened and cleared by the Commission.

(3) Without prejudice to sub-paragraph (2) of this paragraph, a Political Party shall be free within the specified time to replace candidate who has been disqualified by the Commission for any reason.

10.-(1) Every candidate shall, before his nomination paper is delivered to the Commission, deposit or cause to be deposited with the Commission the sum specified in paragraph 4(g), (n) or (i), of these Guidelines, as the case may be, and shall at the time of the delivery of the nomination paper produce and show to the Electoral Officer or the Resident Electoral Commissioner, the official receipt for the said sum.

Non-refundable deposit.

(2) No nomination shall be valid unless it is backed by the receipt for the deposit made in accordance with sub-paragraph (1) of this paragraph.

11. A candidate or any person nominating him for election shall obtain the nomination paper in Form E.C. 4CA, E.C. 4C or E.C. 4D, as the case may be, from the place appointed by the Commission for that purpose.

Nomination papers  
Form E.C. 4A,  
Form E.C. 4C,  
Form E.C. 4D.

12.-(1) If, after the latest time for the delivery of nomination papers and the withdrawal of candidates for the National Assembly elections, that is one o'clock in the afternoon of the second day before the election, only one candidate remains duly nominated, that candidate shall be deemed returned unopposed.

National Assembly elections.

(2) If, after the latest time for the delivery of nomination papers and for withdrawal of candidates for the National Assembly elections, more than one candidate remains duly nominated, a poll shall be taken and the candidate with a simple majority of votes cast at the election shall be returned as elected.

Election of  
President.

13.-(1) Where in an election to the office of President one of the candidates nominated for the election is the only candidate after the close of nomination by reason of the disqualification, withdrawal, incapacitation, disappearance or death of the other candidates, the Commission shall extend the time for nomination.

(2) A candidate for an election to the office of President shall be deemed to have been duly elected to office where being the only candidate nominated for the election -

(a) he has a majority of Yes votes over No votes cast at the election; and

(b) he has not less than one-third of the Yes votes cast at the election in each of at least two-thirds of all the States of the Federation and the Federal Capital Territory, Abuja,

but where the only candidate fails to be elected in accordance with this sub-paragraph, then there shall be fresh nominations.

(3) A candidate for an election to the office of President shall be deemed to have been duly elected where, there being only two candidates for the election -

(a) he has the majority of the votes cast at the election; and

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States of the Federation and the Federal Territory, Abuja.

(4) If no candidate is duly elected in accordance with sub-paragraph (3) of this paragraph the Commission shall within 7 days arrange for another election between the two candidates and a candidate at this last election shall become duly elected if he scores a simple majority of the votes cast at the election.

(5) A candidate for an election to the office of President shall be deemed to have been duly elected where, there being more than two candidates for the election -

(a) he has the highest number of votes cast at the election; and

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States of the Federation and the Federal Capital Territory, Abuja.

(6) Where no candidate is duly elected in accordance with sub-paragraph (5) of this paragraph, there shall be a second election in accordance with sub-paragraph (7) of this paragraph at which the only candidates shall be -

(a) the candidate who scored the highest number of votes cast at the election; and

(b) one among the remaining candidates who has the highest number of votes in the highest number of States including the Federal Capital Territory, Abuja,

so however, that where there are more than one candidate with the highest number of votes in the highest number of States including the Federal Capital Territory, Abuja, one among them with the highest total number of votes cast at the election shall be the second candidate for the election.

(7) In default of a candidate duly elected under sub-paragraph (5) of this paragraph, the Commission shall within 7 days of the result of the election held under that sub-paragraph, arrange for another election between the two candidates selected under sub-paragraph (6) of this paragraph, and a candidate at such election shall be deemed to have been duly elected to the office of President if he has a simple majority of the votes cast at the election.

14.-(1) Each candidate may appoint one person as his party agent for each polling station or unit and collation centre in the constituency in which he is contesting the election.

(2) Notice in writing shall be given to the Commission by each candidate not later than 2 days before the day of the election, conveying the names and addresses of his party agents and the respective polling stations or units to which they have been assigned by the candidate.

Allocation of  
polling stations or  
units.

**15.-(1)** No person shall be permitted to vote at any polling station or unit other than the one at which he is entitled to vote according to his area or location.

(2) The Presiding Officer shall regulate the admission of voters to the polling station or unit, and shall exclude all other persons except candidates, party agents, Poll Clerk, Poll Orderly, security personnel and any other person who in his opinion has lawful reason to be admitted.

Accreditation  
procedure.

**16.-(1)** The accreditation of voters shall commence on the day and time stipulated by the Commission.

(2) The Presiding Officer shall -

(a) cross-check the voter's card of a person applying for accreditation against the register and may ask the voter if required by a candidate or the party agent, the following questions or any of the question, that is -

(i) "Are you the person whose name is on the register of voters as follows.....  
(reading the copy of the entry in the register)?"

(ii) "Are you a person above 18 years of age?"

(b) not accredit any voter who answers the questions in sub-paragraph (2)(a) of this paragraph in the negative;

(c) mark the name of the voter in the register with biro;

(d) stamp and sign each voter's card at the back with the appropriate stamp and state the date and type of election in code; and

(e) enter in Form EC 8A, Statement of Result Form, the number of persons registered to vote at the polling station or unit, the number of registered voters accredited, the serial numbers of the ballot papers issued to the polling station or unit, the serial numbers of ballot papers issued to the voters, the serial numbers of the balance of unused ballot papers and the number of accredited voters standing in the queue at the commencement of voting.

Form E.C. 8A.

(3) The Presiding Officer and the Party Agents shall sign Form EC 8A to authenticate the numbers entered therein.

Form E.C. 8A.

17. When the prescribed hour for the closing of accreditation has been reached, the Presiding Officer shall declare accreditation closed and no more persons shall be admitted to the polling station or unit, but those persons already inside the polling station or unit shall be accredited and be allowed to vote.

Closing of accreditation.

18. At the close of accreditation, the Presiding Officer shall-

Post accreditation procedure.

- (a) explain the voting procedure to be followed;
- (b) introduce the Poll Clerk, Poll Orderly and party agents;
- (c) explain the activities which constitute election offenses within the polling zone, including penalties for committing each offence;
- (d) call the roll of accredited voters.

19. After compliance with the provisions of paragraph 18 of these Guidelines the Presiding Officer shall -

Voting.

- (a) announce the commencement of voting;
- (b) request the accredited voters to line up in a single line;
- (c) separate the queue between men and women if, in that area of the country, the culture is such that it does not permit the mingling of men and women in the same queue;

(d) request security agents or Poll Orderlies to stand at the end of the queue behind the last accredited voter and request the voters in the queue to show their voters' cards duly stamped by the Presiding Officer;

(e) issue accredited voters with two ballot papers in the case of National Assembly election and one ballot paper for Presidential election;

(f) direct voters to the voting table, where, after thumb-marking the ballot papers/paper secretly, they shall vote in the full view of all present;

(g) count the votes at the close of poll in the presence of the voters;

(h) enter the scores of the candidates in Form E.C. 8A or E.C. 8A(1), as the case may be;

(i) announce loudly the number of votes counted for each of the candidates; and

Form E.C. 8A.  
Form E.C. 8A (1).

(j) give copies of Form E.C. 8A or E.C. 8A(1) as the case may be, to the party agents and the Police, if available and take the original to the Ward Collation Officer.

Collation of votes.

**20. The Ward Collation Officer shall -**

Form E.C. 8A.  
Form E.C. 8A (1).

(a) take delivery of all Forms E.C 8A and E.C 8A(1) for the Senatorial and House of Representatives elections respectively from the Presiding Officers;

Form E.C. 8A.  
Form E.C. 8A (1).  
Form E.C. 8B.  
Form E.C. 8B (1).

(b) collate the votes entered in Form E.C. 8A, in the case of Senatorial election or Form E.C. 8A(1) in the case of House of Representatives election, using Form E.C. 8B or Form E.C. 8B(1), as the case may be;

Form E.C. 8B.  
Form E.C. 8B (1).

(c) enter the votes in both words and figures in the appropriate space in Forms E.C. 8B and E.C. 8B(1) respectively, sign the forms and get the party agents to sign too;

(d) give a copy of Forms E.C. 8B and E.C. 8B(1) respectively to each party agent and the Police, if available at the Ward Collation Centre;

Form E.C. 8B.  
Form E.C. 8B (1).

(e) take the originals of Forms E.C. 8B to the Local Government Area Collation Officer for the Senatorial election;

(f) take the originals of Form E.C. 8B(1) to the Federal Constituency Returning Officer, in the case of a Federal Constituency made up of not more than one Local Government Area; or

Form E.C. 8B (1).

(g) take the originals of Form E.C. 8B(1) to the Local Government Area Collation Officer, in the case of a Federal Constituency made up of more than one Local Government Area.

**21. The Federal Constituency Returning Officer, in the case of a Federal Constituency made up of not more than one Local Government Area, shall -**

Collation at Federal Constituency made up of not more than one Local Government Area.

(a) take delivery of all original Forms EC. 8B(1) from the Ward Returning Officers together with other electoral materials pertaining to the House of Representatives election;

Form E.C. 8B (1).

(b) collate the result of the House of Representatives election by entering the scores of each candidate in the original Forms E.C. 8B(1) into Form EC. 8C(1) in words and figures, sign the form and get the party agents to countersign;

Form E.C. 8B (1).  
Form E.C. 8C (1).

(c) cross-check the figures in Forms EC. 8C(1) and distribute copies of the Form to party agents and police if available at the Collation Centre;

Form E.C. 8C (1).

(d) enter the score of each candidate into the Declaration of Result Form EC. 8E(1) for the House of Representatives elections; and

Form E.C. 8E (1).

(e) declare the result for the Federal Constituency and return the candidate with the simple majority of votes as duly elected.

Collation at Local Government Area level for Federal Constituency with more than one Local Government Area.

**22. The Local Government Area Collation Officer, in the case of Federal constituency made up of more than one Local Government Area, shall -**

Form E.C. 8B (1).

(a) take delivery of all original Forms E.C. 8B(1) from the Ward Returning Officers together with other electoral materials pertaining to the House of Representatives election;

Form E.C. 8B (1).  
Form E.C. 8C (1).

(b) collate the result of the House of Representatives election by entering the votes of each candidate in the original Forms E.C. 8B(1) into Form E.C. 8C(1) in words and figures, sign the form and get the party agents to countersign;

Form E.C. 8C (1).

(c) cross-check the figures in Forms EC. 8C(1), announce loudly the scores of each candidate and distribute copies of the Form to party agents and police if available at the Collation Centre;

Form E.C. 8C (1).

(d) take the original Form E.C. 8C(1) to the designated Collation Centre for the Federal Constituency where he shall hand same over to the Returning Officer for the Constituency together with other materials relating to the House of Representatives elections.

Collation at Federal Constituency made up of more than one Local Government Area.

**23. The Returning Officer, in the case of Federal Constituency with more than one Local Government Area, shall -**

Form E.C. 8C (1).  
Form E.C. 8D (1).

(a) collate the scores of the candidates from Form EC. 8C(1) to Form E.C. 8D(1);

(b) enter the votes in both words and figures in the appropriate spaces in Form EC. 8D(1);

Form E.C. 8D (1).

(c) cross-check the figures in Form EC. 8D(1), sign the Form, ask the party agents to countersign and distribute

copies of Form EC. 8D(1) to party agents and police if available at the Collation Centre;

(d) enter the scores of candidates in the Declaration of Result Form EC. 8E(1) for the House of Representatives election; and Form E.C. 8E (1).

(e) declare the result for the Federal constituency and return the candidate who has scored the simple majority of votes as duly elected.

**24. The Local Government Area Collation Officer for the Senatorial election shall -** Collation of result of Senatorial election at the Local Government Area level.

(a) receive the originals of Form E.C. 8B for the Senatorial election from the Ward Officers together with other materials pertaining to the Senatorial election;

(b) enter the scores of the candidates from the Forms E.C. 8B to Form E.C. 8C in words and figures;

(c) cross-check the figures, sign the Form E.C. 8C, ask the Party Agents to countersign, announce the score of each candidate loudly and distribute copies to party agents and Police if available at the Collation Centre; and

(d) take the original Form E.C. 8C together with other materials pertaining to the election to the Returning Officer for the Senatorial election.

**25. The Returning Officer for the Senatorial District shall at the designated District Collation Centre -** Collation at the designated Collation Centre for the Senatorial District.  
Form E.C. 8C.

(a) take delivery of all the original Forms E.C. 8C from the Local Government Area Collation Officers together with other materials pertaining to the Senatorial election;

(b) enter the scores of the candidates in words and figures from the original Form EC. 8C into Form EC. 8D; Form E.C. 8C.  
Form E.C. 8D.

(c) sign the duly completed Form EC. 8D, ask the party agents to countersign, if available at the Collation Centre; Form E.C. 8D.

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Form E.C. 8D.

(d) cross-check the figures in Form EC. 8D and distribute copies of same to the party agents and the police, if available at the Collation Centre;

Form E.C. 8E.

(e) enter the score of each candidate in the Declaration of Result Form EC. 8E for the Senatorial elections

(f) declare the Senatorial District election result and return the candidate who has scored the simple majority of votes cast as duly elected; and

Form E.C. 8D.  
Form E.C. 8E.

(g) return to the Resident Electoral Commissioner for the State the originals of Forms E.C. 8D and E.C. 8E together with other materials pertaining to the Senatorial election.

Presidential  
election.  
Form E.C. 8A.

26. The Presiding Officer having complied with paragraph 19 of these Guidelines on the day of Presidential election shall take the original of Form E.C. 8A to the Ward Collation Centre.

Collation at the  
Local Govern-  
ment Area  
Centre.

27. The Ward Collation Officer for the Presidential election shall -

(a) take delivery of originals of Form E.C. 8A for the Presidential election from the Presiding Officers from the Polling Stations or units;

(b) collate the scores from Forms E.C. 8A using Form E.C. 8B, entering them in both words and figures in the spaces provided;

(c) sign the Form E.C. 8B, request the Party Agents if available at the Ward Collation Centre, to countersign the Forms and loudly announce the score of each Presidential candidate;

(d) give copies of Form E.C. 8B to Party Agents and the Police, if available; and

(e) take the original of Form E.C. 8B together with other materials returned to him by the Presiding Officers to the Local Government Area Collation Centre.

**28. The Local Government Area Collation Officer for the Presidential Election shall -**

Collation at Local Government Area Centre.

(a) take delivery of the originals of Form E.C. 8B from the Ward Collation Officers together with other electoral materials relating to the election;

Form E.C. 8B.

(b) collate the scores from Forms E.C. 8B, using Form E.C. 8C, entering them in both words and figures in the spaces provided;

(c) cross-check the figures carefully, announce loudly the scores of each candidate and distribute copies of Form E.C. 8C to party agents and the police, if available at the collation centre; and

(d) take the original of Form E.C. 8C together with other materials returned to him by the Ward Returning Officers to the State Collation Centre.

**29. The State Collation Officer for the Presidential election shall -**

Collation at State level.

(a) take delivery of the originals of Form E.C. 8C from the Local Government Area Collation Officers together with other electoral materials relating to the election;

(b) collate the scores from Forms E.C. 8C, using Form E.C. 8D, entering them in both words and figures in the spaces provided;

(c) cross-check the figures carefully, announce loudly the scores of each candidate and distribute copies of Form E.C. 8D to party agents and the Police, if available at the State collation centre; and

(d) take the original Form E.C. 8D together with other materials relating to the election which were returned to him by the Local Government Area Collation Officers, to the national collation centre.

Collation at the national level.

**30. The Returning Officer for the Presidential elections at the national level shall -**

Form E.C. 8D.

(a) take delivery of the originals of Form E.C. 8D from the State Collation Officers, together with other electoral materials relating to the election;

(b) collate the scores from Forms E.C. 8D, using Form E.C. 8DA, entering them in words and figures in the spaces provided;

(c) cross-check the figures, carefully sign Form E.C. 8DA, request the party agents and the Police if available at the national level collation centre;

(d) enter the scores of the candidates in Form E.C. 8E for the declaration of the Presidential election result;

(e) complete carefully Form E.C. 8E and sign the same; and

(f) declare the result of the Presidential elections and return the candidate who has complied with the requirements of the law and scored the majority of votes at the election.

Decision of Returning Officer to be final.

**31. The decision of the Returning Officer in respect of each of the election covered by these Guidelines on any question arising from or relating to -**

(a) ballot papers;

(b) scores of candidates; or

(c) return of a candidate,

shall be final, and subject to review only by an Election Tribunal or the Court of Appeal, in an election petition proceedings.

32. Subject to the provisions of these Guidelines, if two or more candidates poll equal number of votes, the Returning Officer shall not return any of the candidates and a fresh election shall be held for the candidates on a date to be appointed by the Commission.

Equality of votes.

33. A sealed Certificate of Return at election shall be issued to every candidate who has been returned at an election under these Guidelines.

Certificate of Return at election.

34. Dispute arising from an election under these Guidelines shall be resolved through an election petition brought before an Election Tribunal which shall be established for that purpose and by the Court of Appeal, as the case may be.

Resolution of an election dispute.

35.-(1) An election petition shall be brought within 21 days in the case of the National Assembly elections and 14 days in the case of the Presidential election.

Election petition.

(2) An election petition shall be heard and determined within 60 days in the case of the National Assembly elections and within 21 days in the case of the Presidential election, from the date on which it is filed.

36.-(1) An appeal against the decision of an Election Tribunal in respect of the National Assembly elections shall lie to the Court of Appeal.

Election appeals.

(2) An appeal against the decision of the Court of Appeal in respect of the Presidential election shall lie to the Supreme Court.

37.-(1) An appeal against the decision of an Election Tribunal in respect of the National Assembly elections shall be brought within 7 days from the date of the decision appealed against.

Time within which to bring an appeal.

(2) An appeal against the decision of the Court of Appeal in respect of the Presidential election shall be brought within 7 days from the date of the decision appealed against.

**DATED** at Abuja this 20th day of January 1999.

**HON. JUSTICE E. O. I. AKPATA, JSC (Rtd.)**  
*Chairman,*  
***Independent National Electoral Commission***



